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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,509	11/01/2001	David S. Trandal	CWAV.001A	4576

20995 7590 04/22/2004

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IRVINE, CA 92614

EXAMINER
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TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,509

Applicant(s)

TRANDAL ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-4</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,501,750) (cited by Applicant on paper #4) in view of Sandegren (U.S. Patent No. 6,512,930).

Regarding claims 1-75, Shaffer et al. teach a notification method for providing camp-on capability includes utilizing device-to-device signal exchanges via a data network. As a result,

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the camp-on capability may be enabled at a called communication device by means of a signal sent from a calling communication device. The data network is the global communications network referred to as the Internet. As a response to the determination that the called communication device, such as the telephone, is in an unavailable condition, a first notification signal is transmitted from a calling communication device to the unavailable called device. The first notification signal may be an application program that is automatically executed at the called device. Alternatively, the first notification signal may be a special protocol element that triggers execution of a camp-on program stored at the called device. The first notification signal includes the network address of the calling device. When the executed program determines that the called communication device is available to receive an incoming call, a second notification signal is transmitted to the original calling device. In response, the original calling device reinitiates the process of establishing connectivity with the called device (see entire patent).

Shaffer et al. differ from the claimed invention in that Shaffer et al. fail to support the technique of calls originated from a wireless caller and the implementations of sending and notifying the wireless caller the status of the called device in the wireless network. However, Sandegren teaches a system to notify a first user of a mobile communication device about status of other users in a mobile communications system. The system sends a signal from the mobile communication device to a service node in the mobile communications system. At the service node, a list is determined indicating other users that the first user wants to know the status of. The status of each of the other users on the list is then determined, and transmitted from the service node to the mobile communication device. The signal from the mobile communication device to the service node may be generated in response to the mobile communication device

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being powered on, and may itself include an indication that the mobile communication device has been powered on. Upon receipt of this indication, the service node may determine other lists in which the first user is listed, determine a corresponding other user for each of the other lists, and send a notification to each of the corresponding other users indicating that the first user has gone on-line. Users of communication devices may thereby be informed of updated status of other users they are interested in. Other types of status include indications of going off-line, present location, and whether a given user is associated with voicemail and/or e-mail services. The service node may be a home location register (see entire patent). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of implementations of sending and notifying the wireless caller the status of the called device in the wireless network taught by Sandegren to modify the teachings of Shaffer et al. to include wireless network feature in order to better providing services to not only wireline users, but also wireless users in integrating the wireline and wireless network.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hall et al. (U.S. Patent No. 6,032,051) teach a wireless mobile communication devices for group use.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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OR Hand-delivered responses should be brought to:

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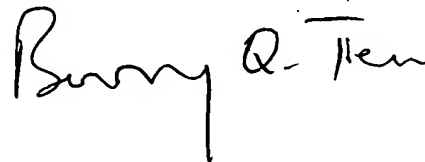
2121 Crystal Drive

Arlington, VA 22202.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BENNY TIEU  
PRIMARY EXAMINER**

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March 15, 2004